

MERCHANT &amp; GOULD P.C.

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: NOD-FACTOR PERCEPTION

The specification of which

- a. ☐ is attached hereto  
 b. ☒ was filed on 03 January 2006 as (Attorney Docket No. 09663.0066USWO) and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/DK2004/000478 filed 2 July 2004 and as amended on 21 October 2005 (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.  
 b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Denmark	PA 2003 01010	03 July 2003	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

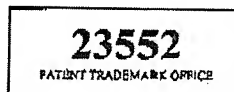
- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

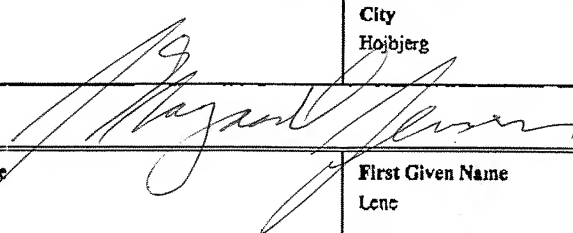

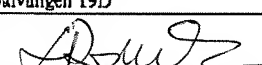
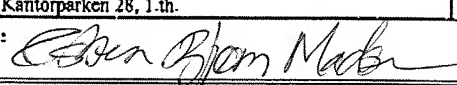



I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name JENSEN	First Given Name Jens	Second Given Name Stougaard
0	Residence & Citizenship	City Hojbjerg	State or Foreign Country Denmark	Country of Citizenship Denmark
1	Mailing Address	Address Ruhøj Alle 5	City Hojbjerg	State & Zip Code/Country DK-8270/Denmark
Signature of Inventor 201: 				Date: 27.01.2006
2	Full Name Of Inventor	Family Name MADSEN	First Given Name Lene	Second Given Name Heegaard
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Signature of Inventor 202: 				Date: 27/1.2006
2	Full Name Of Inventor	Family Name RADUTOIU	First Given Name Elena	Second Given Name Simona
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3	Mailing Address	Address Dalvangen 19D	City Hojbjerg	State & Zip Code/Country DK-8270/Denmark
Signature of Inventor 203: 				Date: 27/1.2006
2	Full Name Of Inventor	Family Name MADSEN	First Given Name Esben	Second Given Name Bjorn
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4	Mailing Address	Address Kantorparken 28, 1.th.	City Risskov	State & Zip Code/Country DK-8240/Denmark
Signature of Inventor 204: 				Date: 27/1 2006
2	Full Name Of Inventor	Family Name SANDEL	First Given Name Niels	Second Given Name Norgaard
0	Residence & Citizenship	City Tilst	State or Foreign Country Denmark	Country of Citizenship Denmark
5	Mailing Address	Address Mejlovsenget 29	City Tilst	State & Zip Code/Country DK-8381/Denmark
Signature of Inventor 205: 				Date: 27.01.2006

## INSTRUCTIONS

## ASSIGNMENT OF U.S. RIGHTS TO CORPORATION

WHEREAS,

Inventor(s) Name,  
Address, Citizenship

1. Jens Stougaard JENSEN residing at Rahøj Alle 5, DK-8270 Højbjerg, Denmark, and a citizen of Denmark;
2. Lene Heegaard MADSEN residing at Rahøj Alle 5, DK-8270, Højbjerg, Denmark, and a citizen of Denmark;
3. Elena Simona RADUTOIU residing at Dalvangen 19D, DK-8270 Højbjerg, Denmark, and a citizen of Romania;
4. Esben Bjørn MADSEN residing at Kantorparken 28, 1.th., DK-8240, Denmark, and a citizen Denmark;
5. Niels Norgaard SANDAL residing at Mejløvaenger 29, DK-8381 Tilst, Denmark, and a citizen of Denmark;

Date Patent Declaration  
Signed, Title, Serial  
No. and filing date (if  
known)

(herein called "THE UNDERSIGNED") have made an invention and have executed an application for Letters Patent of the United States on \_\_\_\_\_ for this invention, which application is entitled NOD-FACTOR PERCEPTION and which has been given Serial No. \_\_\_\_\_ and the filing date of 03 January 2006;

Name of Corporation

AND WHEREAS AARHUS UNIVERSITY (herein called "ASSIGNEE"), a corporation organized under the laws of Denmark, and having an office and place of business at Nordre Ringgade 1, DK-8000 Aarhus C, Denmark,

State or Country of  
Incorporation and Address

wishes to acquire the entire right, title and interest in and to said invention and patent application and any Letters Patent to be obtained therefor;

NOW, THEREFORE, for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, THE UNDERSIGNED hereby sell, assign and transfer to the ASSIGNEE, its successors and assigns, the entire right, title and interest for the United States in and to the invention disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and THE UNDERSIGNED hereby authorize and request the Commissioner of Patents to issue any and all United States Letters Patent for the aforesaid invention to the ASSIGNEE of the entire right, title and interest in and to the same, for the use of the ASSIGNEE, its successors and assigns.

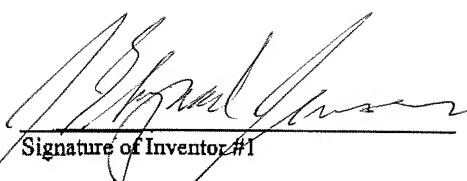
THE UNDERSIGNED hereby agree that THE UNDERSIGNED, their executors and legal representatives will make, execute and deliver (without charge but at the expense of the ASSIGNEE) any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said ASSIGNEE, its successors and representatives all facts known to THE UNDERSIGNED relating to said invention and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable to vest the ASSIGNEE, its successors or assigns the entire right, title and interest in and to the said invention, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

THE UNDERSIGNED represent and agree with said ASSIGNEE its successors and assigns, that no assignment grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by THE UNDERSIGNED, and that full right to convey the same as herein expressed is possessed by THE UNDERSIGNED.

IN TESTIMONY WHEREOF, THE UNDERSIGNED have hereunto set their hand on the dates indicated below.

Each inventor must sign & date

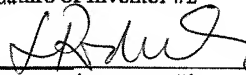
Note: No legalization or other  
witness required

  
Signature of Inventor #1

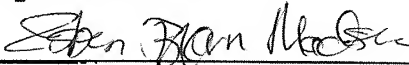
27.01.2006  
Date

  
Signature of Inventor #2


27/1.2006  
Date

  
Signature of Inventor #3

27/1.2006  
Date

  
Signature of Inventor #4

27/1 2006  
Date

  
Signature of Inventor #5

27.01.2006  
Date